

Remarks

Claims 32-43 are pending. Claims 32-37 have been canceled.

35 U.S.C. §112, first paragraph

Claims 32-43 stand rejected under 35 U.S.C. §112, first paragraph, for alleged lack of enablement. The Examiner states that "Applicant has not provided any evidence with respect to the activities of the various mutations," that "Applicant has provided with activity information only for mutants C1 (SEQ ID NO: 51), D (SEQ ID NO: 56), DE1 (SEQ ID NO: 57), A1 (SEQ ID NO: 45), B2 (SEQ ID NO: 51), CD2 (SEQ ID NO: 55) in pages 44 and 45," and that "[i]t is unclear if all fusion proteins (SEQ ID NO: 45-60) have activity." Applicants traverse this rejection.

Regarding mutants A2, AB1, AB2, AB3, B1, C2, CD1, DE2 and E (SEQ ID NOs: 46-50, 53-54 and 58-59, respectively), their activity is described in the specification. Figure 3 shows the binding activity of each of the fusion proteins to an interferon receptor relative to that of wild-type interferon- β . Figure 4 shows the binding activity of each of the fusion proteins to interferon receptors on Daudi cells relative to that of wild-type interferon- β . Figure 5 shows the antiviral activity of each of the fusion proteins relative to that of wild-type interferon- β . Figure 6 shows the antiproliferative activity of each of the mutants relative to that of wild-type interferon- β . Figure 7 shows the relative antiviral and antiproliferative activities of each of the mutants relative to those of wild-type interferon- β . Figures 3-7 are described at page 5, line 4, to page 6, line 17. Since the specification describes the activity of each mutant claimed, it would not require undue experimentation for a person of skill in the art to make and use the claimed polypeptides.

Reconsideration and withdrawal of the rejection of claims 32-43 under 35 U.S.C. 112, first paragraph, enablement, is respectfully requested.

35 U.S.C. §103(a)


Claims 32-37 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Chang et al. (U.S. Patent 5,908,626) and Bell et al. (U.S. Patent No. 4,914,033) in view of Capon et al. (U.S. Patent No. 5,116,964) and Katre et al. (U.S. Patent No. 4,766,106).

Claims 32-37 have been canceled. Therefore the rejection is moot.

Conclusion

In view of the above amendment and remarks, it is believed that this application is in condition for allowance. If a telephone conversation with Applicant's Attorney would expedite prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 832-1000.

Respectfully submitted,

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